

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:	*	
	*	CASE NO. 19-11026-BFK
CHANTHAVY RATTANA	*	
	*	
Debtor	*	CHAPTER 13

OBJECTION TO PROOF OF CLAIM 6-1 OF WELLS FARGO BANK, N.A.

COMES NOW, Chanthavy Rattana (the “Debtor”), by and through undersigned counsel, pursuant to Sections 502(a) and 502 (b)(1) of the Bankruptcy Code, Rules 3001 and 3007(a) of the Bankruptcy Rules, and objects to Proof of Claim 6-1 filed by Wells Fargo Bank, N.A. (“Creditor”). In support of this Objection, the Debtor respectfully shows this Honorable Court the following:

1. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(B), and this Court has proper subject matter jurisdiction pursuant to 28 U.S.C. § 1334(b).
2. Creditor filed its Proof of Claim on or about July 17, 2019, with claim for \$105,055.94 secured by Debtor’s principal residence.
3. Creditor also included an alleged arrearage of \$1389.50, approximately one month’s payment.
4. Undersigned counsel reviewed the payment history attached to the Proof of Claim and it fails to account for a payment that Debtor made on June 13, 2019. Proof of this payment is attached as **Exhibit A**.
5. On or about August 6, 2019, undersigned counsel spoke with counsel for the Creditor and the latter advised that they would be amending the Proof of Claim, but it does not appear that this has occurred yet.

WHEREFORE, the Debtor moves the Court for relief as follows:

- A. Disallowance of the \$1389.50 arrearage portion of Creditor’s Proof of Claim;
- B. Award Debtor’s counsel reasonable legal fees in an amount to be determined by this Court; and
- C. Such other and further relief as the Court may deem just and proper.

Respectfully submitted this 18th day of September 2019

/s/ Jeremy C. Huang

Jeremy C. Huang, VSB 76861

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of September 2019, a copy of the foregoing Objection to Proof of Claim and Notice of Hearing were served via first class mail, postage prepaid, and/or the Court's Electronic Court Filing system upon the Chapter 13 Trustee and the following parties:

Mary F. Balthasar-Lake

Shapiro & Brown, LLP

501 Independence Parkway, Suite 203

Chesapeake, VA 23320

Attorney for the Creditor

/s/ Jeremy C. Huang